

Chairperson Gerald Roberts called the regular meeting to order at 6:35 p.m. All Commissioners were present with the exception of Tish Oelke. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

**Citizen's Comments**

There were none.

**Request for Variance: Located at 115 Grand Avenue**

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**Project Proposal:**

*The applicant is requesting a variance from the paving requirements of 17.04.230(G) which requires that "parking and maneuvering areas shall be paved in accordance with City specifications". The site at 115 Grand is required to contain (6) off-street paved parking spaces, one of which must be designated for handicap parking. The applicant has provided (4) paved spaces to the rear of the building and is requesting that two parking spaces and maneuvering areas to the front of the building not be required to be paved.*

**Providing Notice:**

The applicant has complied with the notice procedures of section 17.04.290 of the Municipal Code by:

- 1. Posting a sign continuously for at least (7) days before the hearing;*
- 2. Publishing notice in a legal newspaper at least (7) days prior to the hearing, and;*
- 3. Either hand delivering or depositing in the U.S. Mail, at least (7) days prior to the hearing, a copy of the above notice to the owner of record of any property inside the Delta City limits located within 100 feet.*

*The City received approximately 11 signatures from 9 households in favor of the variance, none against.*

**Criteria for Variance:**

*According to section 17.04.260 of the City Municipal Code, the Planning Commission may approve a variance from the provisions of this chapter (17), other than the uses specified for any district or restrictions on the location of factory built housing, only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:*

**Request for Variance: Located at 115 Grand Avenue continued...****Criteria for Variance continued:**

1. *The variance will not adversely affect the public health, safety and welfare.*
2. *Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.*
3. *The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.*
4. *The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.*
5. *The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.*

*The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.*

**Staff Recommendations:**

*The applicant was issued a Temporary Certificate of Occupancy that expires August 2007 (this month).*

*The Public Works Director recommends that all improvements be completed by November 1<sup>st</sup>, 2007.*

*Planning Staff also recommends that all improvements be completed by November 1<sup>st</sup>, 2007.*

*Planning, Public Works, and Parks staff have reviewed the applicant's proposal and recommend **approval** of the variance **contingent** upon the following:*

1. *All improvements be completed as proposed.*
2. *All improvements be completed by November 1<sup>st</sup>, 2007.*

Commissioner Raley questioned if there was to be only one curb cut.

Mr. Shoopman clarified that yes, a minimum of only one 10-25 ft. wide curb cut is required.

Commissioner Bell requested clarification upon the intended use.

Mr. Shoopman clarified that it is being used as an office, and is located in an OR district.

Commissioner Bell questioned if there had been any drainage issues with the neighboring properties.

Mr. Shoopman stated that he believed there not to be issues from the north but there had been some with the south.

Chairperson Roberts requested the applicant's presentation.

**Request for Variance: Located at 115 Grand Avenue continued...**

Brenda Holland, gave her Power Point presentation.

Chairperson Roberts requested public comment. There was none. The commissioners had no questions for the applicant.

Chairperson Roberts closed the public hearing.

Commissioner Bell questioned if the variance was approved would this stay with the property for future use.

Chairperson Roberts clarified that the variance approval stays with the applicant only.

Commissioner Raley stated that if the drainage issue is addressed the rest of the plan looks good.

Commissioner Pfalzgraff motioned to approve the applicant's variance request to allow 2 of the required 6 parking places and the maneuvering areas at 115 Grand Avenue to be unpaved contingent upon:

1. Compliance with the variance requirements of 17.04.260 of the City Code
2. Other applicable City of Delta regulations
3. Staff recommendations submitted
4. Other recommendations that the planning commission may have.

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

**Request for Rezone: Located at 1459 Highway 50**

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**Proposal:**

*The applicant is requesting that this property's zone district be changed from A-1 to B-3. The B-3 zone district is intended for a large variety of uses that require large storage areas to conveniently serve customers. B-3 also allows residential uses. The intent of Bray & Co is to subdivide this property into residential and commercial lots.*

**Providing Notice:**

*The applicant has followed the standard noticing procedure as required by section 17.04.290 of the Municipal Code by:*

1. *Posting a sign continuously for at least (7) days before the hearing;*
2. *Publishing notice in a legal newspaper at least (7) days prior to the hearing, and;*

**Request for Rezone: Located at 1459 Highway 50 continued...****Providing Notice:**

3. *Either hand delivering or depositing in the U.S. Mail, at least (7) days prior to the hearing, a copy of the above notice to the owner of record of any property inside the Delta City limits located within 100 feet.*

**Criteria for Rezoning:**

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

1. *The amendment is not adverse to the public health, safety, and welfare; **and***
2. *a. The amendment is in substantial conformity with the Master Plan; **and***
  - b. The existing zoning is erroneous; **or***
  - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

**Staff Recommendations:**

*Staff is recommending that the property's zone district be changed to B-3. This recommendation appears to be consistent with the requirements of section 17.04.270 of the City Municipal Code.*

**Items Planning Commission may want to discuss:**

1. *Future development planned for this property, ie. modular, single-family, multi-family, mixed use, etc.*
2. *Future development of surrounding properties.*

Commissioner Jahn questioned where the split of commercial and residential lots were anticipated.

Mr. Shoopman clarified that the applicant would be able to present more detail of what they will propose. He also stated that when they propose these ideas during the subdivision process the applicant may have to reapply for different zoning.

Chairperson Roberts requested the applicant's presentation.

Kevin Bray, 359 Colorado Avenue, Grand Junction, addressed the reason for B-3 zoning. He explained where they had anticipated placing the housing and the commercial developments.

Chairperson Roberts requested public comment.

**Request for Rezone: Located at 1459 Highway 50 continued...**

LeRoy Black, 898 SW Brook Lane, Cedaredge, stated concerns with an access easement that runs from Hwy. 50 directly North through 1459 and up to the adjacent property directly north which he and others own which may be land locked if the easements are not addressed.

Chairperson questioned if staff had reviewed the legal aspects of the easement.

Mr. Shoopman replied that he had spoken with LeRoy Black Prior to the meeting and had assured him staff would be reviewing the easement during the applicant's sketch plan review.

Jack Petrucelli, questioned what the size of the parcel was.

Commissioner Roberts replied that it is 153 acres.

Commissioner Bell questioned if the legal issues with Mr. Black needed to be resolved prior to making a decision.

Mr. Shoopman clarified that the issues discussed are not directly affected by the rezone.

Chairperson Roberts closed the public hearing.

Commissioner Raley motioned to recommend approval to City Council of the 1459 Highway 50 to be rezoned from A-1 to B-3.

Commissioner Jahn seconded the motion.

All were in favor with exception of Ron Bell and the motion was passed.

**Request for Consensus at Park Ridge II~PUD**

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

Commissioners Bell and Raley recused themselves from this item on the agenda being adjacent property owners.

The following review was presented by James Shoopman, City Planner.

**Project Proposal**

*The Park Ridge II Preliminary Plan proposes to subdivide approximately 19.84 acres into 100 units as a Planned Unit Development.*

**Request for Consensus at Park Ridge II~PUD continued...****Zoning Regulations**

*The property's zone district is R-3, which is intended to provide an area which is suitable for single family homes, duplexes, and multi-family residences with intermediate overall density.*

*This subdivision is under review as a Planned Unit Development to allow deviation from required setbacks, minimum lot size, park dedication, and other restrictions to the existing land use regulations.*

*The purpose of a PUD is to provide opportunities to create **more desirable environments** through the application of flexible and diversified land development standards under a comprehensive plan.*

**Request**

*Under the normal subdivision regulations, the developer is required to provide 2.5 acres of park and active recreational area.*

*Under the PUD regulations, "common open space shall comprise at least 25% of the total gross area of the subdivision" and "the Planning Commission may determine that all or a part of stream areas, bodies of water, and slopes in excess of 15% may be included as useable open space".*

*The applicant is requesting a consensus from the Planning Commission on the following:*

- 1. Would the Planning Commission allow the 100 year flood area of retention pond 4 (which is approximately .21 acres or 8% of the required 2.5 acres) to be counted towards the 2.5 acre parks requirement.*
- 2. The overall layout of the site plan.*

**Action to be Taken**

Give consensus.

Chairperson Roberts requested the applicant's presentation.

Lloyd Rodriguez, gave his Power Point presentation that showed examples of other parks using a slope similar to what he had proposed.

Drainage issues were discussed.

Commissioner Pfalzgraff asked if the applicant was requesting a consensus upon allowing part of retention pond #4 to be used as park. He asked what the visualized use of the parks in the subdivision was to be. He stated that looking at the plan he could see 6 open space areas and maybe 1 park.

Jessica Loveland, Engineer for Ute Engineering, further discussed the trail system with the open spaces, anticipated equipment, landscaping, and access to the parks.

Chairperson Roberts asked if the project will be phased or built all at one time.

**Request for Consensus at Park Ridge II~PUD continued...**

Jessica clarified that there would be four phases.

Commissioner Jahn stated that he had concern for the density.

Chairperson Roberts requested public comment.

Nelly Coleman, 810 Riley Lane, in the first Park Ridge suggested that the Planning Commission create the condition of completion of the entire unit and landscaping prior to receiving a Certificate of Occupancy. She stated that the traffic increase that is presently happening is a great concern and asked what will be done before these next 100 units are built.

Alan Williams, 8284 Hatchery Road, Hotchkiss, owns property at 718 Renee Street. He stated that he wanted to remind the Planning Commission that he had come to a previous meeting at which time he was representing other neighbors of that area to request a cul' de sac be constructed at the end of Renee Street. He stated that he wanted to propose this idea once more with these reasons: the majority of people residing on Renee Street do not wish Renee to be a through street, it would have little effect on the development, and it may even increase the retention pond's holding.

Chairperson Roberts requested that staff comment for the recently proposed issue.

Mr. Black stated that it may be possible for Renee Street to end in a cul' de sac instead of a through street. Staff will have to research this alternative further. The majority of property owners need to get involved and be in favor.

Lloyd Rodriguez stated that he didn't see a problem with closing Renee Street and making it a cul'de sac as long as it was ok by his engineer. He summarized the past to present development of Park Ridge I stating that some units sold were initially priced lower to compensate for a development in progress.

Chairperson Roberts closed the public meeting.

Commissioner Pfalzgraff clarified that there were two items to be given a consensus on: the allowance of retention pond #4 to be included in the park and the overall layout of the proposed plan. He stated that the areas proposed as parks and open space didn't appear sufficient for activities to take place.

Commissioner Grace requested clarification on the term of open space.

Chairperson Roberts replied by defining the term.

Commissioner Jahn stated his lack of enthusiasm for the open space as shown.

Chairperson Roberts stated that he would like staff to look at Renee Street being a cul' de sac and agreed that the retention pond could be used as part of the park. He concluded that these comments from the commission are the consensus.

Chairperson Roberts called a recess.

**Preliminary Plan Review of Riverwalk Subdivision**

Chairperson Roberts opened the public meeting and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**Project Proposal**

*The River Walk Preliminary Plat proposes to subdivide approximately 135.05 acres into 241 single family lots.*

**Zoning Regulations**

*The property's zone district is R-2, which is intended to provide an area which is suitable for single family homes and duplexes. This District provides for other uses which are compatible with such uses.*

**Preliminary Plan Requirements**

*Staff review of the preliminary plat has found it to substantially comply with the preliminary plat requirements of 16.04.050 (D).*

**Required Improvements, Dedications, and Minimum Design Standards**

*The following need to be addressed and/or corrected as conditions of preliminary approval:*

***1. Plat/Site Plan:***

- A. The plat needs to reflect a 20' landscaping/screening area along 1600 Rd, all setbacks, easements, etc.*

***2. Streets/Access:***

- A. C-DOT is requesting that the developer apply for an access permit from C-DOT for approval to increase the traffic demand at Hwy 50 & 1600 Rd by 100 units prior to intersection improvements.*
- B. The City and developer need to reach an agreement to cover an event where 1600 Rd improvements are not complete at the time the developer requests to build over 100 units.*
- C. Curb, gutter, & asphalt improvements should be extended along 477 1600 Rd.*

***3. Utilities:***

*Tap fees will need to be paid prior to recording a final plat.*

***4. Parks/Open Space/Landscaping/Irrigation/Drainage:***

*Since the park will be dedicated to the City, staff recommends that it contain public restrooms.*



**Preliminary Plan Review of Riverwalk Subdivision continued...****Required Improvements, Dedications, and Minimum Design Standards****5. Misc:**

- A. *Miscellaneous redline corrections need to be made to the construction drawings and preliminary plat.*
- B. *The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.*
- C. *Preliminary Plat approval expires 2 years from the date of such approval.*

**Items Planning Commission may want to discuss:**

- 1. *Number of building permits issued before 1600 Rd intersection improvements are complete.*
- 2. *Agreement to allow over 100 units to be built if 1600 Rd intersection improvements are not complete.*
- 3. *Public restrooms for the proposed park.*

**Staff Recommendations**

*This submittal appears to substantially comply with the preliminary plan requirements of 16.04.050 (D). The issues listed above (minimum design standards) need to be resolved as a condition of approval.*

*Staff recommends **approval** of the River Walk preliminary plat conditioned upon satisfaction of the above items.*

Chairperson Roberts requested the applicant's presentation.

Mike Hockersmith, representing Jack Petruccelli, stated that he is filling in for his partner Andy Mueller who is on vacation. He reviewed the previous plan that had been approved and discussed the alterations of the plan currently submitted. He requested clarification on the tapping fees to be paid prior to final plat. He stated that he read that tap fees would be paid during the building permit stage.

Mr. Black read from the City Code 16.04.050 ~ (D) Preliminary Plat ~ (14) (b) Water utility applications must be completed and water tapping and any other applicable system improvement fees must be paid prior to commencement of construction.

Mr. Hockersmith wanted to discuss the providing of restrooms in their proposed park and stated that he was unable to find anything in the code that states its requirement. He suggested that if the City be explicit in the code as to what is required for restrooms and at what size of park will accrue this fee.

Mr. Black clarified that this is the first subdivision to have a large enough park to be dedicated to the City and bathrooms are considered park equipment.

Mr. Hockersmith stated that the developer was opposed to this issue.

**Preliminary Plan Review of Riverwalk Subdivision continued...**

Commissioner Raley stated that he could foresee a problem having this public park with as many 100 children playing and not having a restroom.

Mr. Hockersmith suggested that if it was to be a city park maybe the City should assume responsibility for constructing the restrooms.

Commissioner Bell stated that it seemed like the developer would have automatically planned to service a park which they constructed and doesn't feel the City should have to accept this burden.

Commissioner Pfalzgraff stated that the developer does not have vested right at this point. He stated that there should be consideration on behalf of the developer to be developing the restrooms along with the rest of the park areas prior to giving it over to the City.

Mr. Hockersmith reviewed the other requirements for the preliminary plan and expressed the applicant's position on them. He then discussed installation of the traffic light.

Chairperson Roberts requested public comment.

Clarence Thompson, 460 1600 Road, asked how many lots were large enough to have duplexes on them. He also stated that he had concern for the policing of such a large development with so many low income housing.

Kristen Thompson, 460 1600 Road, stated her concern for traffic safety on 1600 Road. She also stated her concern about the development containing duplexes how this could devalue houses already constructed on 1600 Road.

Brian Morris, 1180 E. 7<sup>th</sup> Street, asked if these houses were going to be approved for stick built or modular houses. He suggested maybe an alternate plan could be presented to accommodate the neighbor's, staff's and planning commission's concerns.

Todd Laws, 1977 Rose Court, expressed that he desired to see single family housing with a minimum lot size of 1100-1200 square feet.

Suzanne Stramel, 509 East 19<sup>th</sup> Street, she stated that she was concerned about the property value of her home and also the intersection at 1600 Road.

Dustin Brickley, 1981 Forest Way, he stated that he believed there to be a direct relation to duplexes and low income housing.

Cody Miramontes, 1942 1600 Road, stated that he has concern for the traffic issue.

Chairperson Roberts wanted to state that for the record that he lives in Valley Gardens, being the original subdivision of Emerald Hills for 30 years, and agreed that a traffic signal was and is needed there at 1600 Road.

**Preliminary Plan Review of Riverwalk Subdivision continued...**

Travis Lischke, 1999 Forest Way, expressed that he has concern for the traffic on 1600 Road in general not just at the intersection with Highway 50. He stated that he had concern for his property value depreciating. He also stated that there is a need for speed control on 1600 Road besides the proposed stop light.

Megan Kellerstrauss, 1981 Forest Way, expressed that she had concern for an increase in traffic and higher rate of crime.

Robert Blattner, 540 20<sup>th</sup> Street, he stated that he felt his main concern is for the stop light on 1600 Road.

Darrell Carnal, 525 20<sup>th</sup> Street, questioned what lots were designated to be duplexes.

Chairperson Roberts clarified that if a lot is 9,000 square feet or greater a duplex could be built on it.

Darrell Carnal expressed that he was opposed to the construction of duplexes.

Clayton Curtis, 512 20<sup>th</sup> Street, stated that he enjoys walking around the neighborhood with his family and he is concerned with the safety of these outings with the increased traffic and also of the type of people the duplexes will bring in for low income housing.

Mr. Petruccelli reassured the public that there would be nothing that would be inexpensive about this development.

Mr. Black stated that the City is not liable for anything contained within a subdivision's covenants. He also wanted to mention that the code has provisions to require offsite improvements. He went through examples of what might need to be constructed in order to achieve control and safety. He then went into detail discussing the drainage issue.

Chairperson Roberts then reminded that another issue to discuss was that CDOT has requested that the developer apply for an access permit to allow 100 units prior to the intersection improvements.

Mr. Black replied that the City cannot authorize an agreement against a CDOT recommendation. A traffic study has shown that 100 units could be built before the intersection improvements were completed.

Commissioner Bell questioned if CDOT would participate after 100 units.

Mr. Black clarified that CDOT would not be participating after 100 units.

Commissioner Bell asked if the neighboring subdivision would be contributing to this issue.

Mr. Black replied that either Valley Gardens or Emerald Hills had contributed.

Commissioner Raley wanted to discuss the issue of the traffic light further.

Commissioner Grace stated that she did not equate duplexes with low income housing.

**Preliminary Plan Review of Riverwalk Subdivision continued...**

Chairperson Roberts closed the public meeting and requested commissioner comment.

Commissioner Raley stated that he was confident that Mr. Petruccelli's development would be a class act and he doubted that it would devalue any neighboring properties.

Commissioner Bell stated that a 15 minute wait to get across the intersection is unacceptable.

Commissioner Jahn stated he shared the concern for the intersection and also for the speed issue on 1600 Road.

Commissioner Pfalzgraff stated that the county should also be motivated to address this intersection concern because the growth is not solely from the two subdivisions. He has concern for the restroom issue for the park.

Commissioner Grace reiterated the need for affordable housing and that maybe consideration towards speed bumps to slow down the traffic on 1600 Road.

Chairperson Roberts asked that Mr. Petruccelli consider a higher berm on the side that faces 1600 Road to resolve several issues that had been brought up.

Mr. Petruccelli stated that his estimated cost for landscaping alone was well over \$100,000.00 and that he was not opposed to putting up a fence.

Mr. Petruccelli stated that they were willing to improve the frontage on 477 1600 Road with the width.

Mr. Black stated that staff had not yet seen this on the plans submitted.

Commissioner Bell stated that he was hesitant upon recommending approval with so many outstanding issues. He asked if it was appropriate to recommend approval to move at this stage in the subdivision process.

Commissioner Raley asked for clarification if this was a new plan and if the plan involving the restrooms was off the table.

Mr. Black clarified that we have an approved preliminary plat and we have a new submittal of the same subdivision with some changes. He stated that what they are reviewing is a new preliminary submittal and the other preliminary still exists. Reviewing this with staff it was confirmed that once the new submittal is approved the other will be taken off the table.

Commissioner Raley suggested that the developer should change the plan and not donate the park to the City.

Mr. Black replied that in the code it states unless otherwise authorized parks over 2 acres shall be dedicated and to the City standards. He stated that Planning Commission could put this in their recommendation.

**Preliminary Plan Review of Riverwalk Subdivision continued...**

Commissioner Raley stated that the park would need restrooms and they would be expensive regardless who had to provide them.

Commissioner Jahn asked if it was possible to have a note put on the plat that duplex lots must have a minimum of 1100 square ft. per duplex unit.

Mr. Black replied that yes with plat notes this could be affirmed.

Mr. Petrucci stated that out of the 3 conditions: improvements along 477 1600 Road, minimum lot size 1100, and public restrooms in the park he is only willing to do 2.

Chairperson Roberts reviewed for the public that there was to be a fence along 1600 Road for screening,

Mr. Black advised the commission that fence being located on top of the berm created extreme maintenance complications.

Commissioner Bell stated that the fence needed to compliment the exits and entrances.

Mr. Black stated that the landscaping on the plat needs to clear and with more detail.

Mr. Petrucci proposed a cedar and rusty metal fence on top of a 2 ft. berm.

Commissioner Raley motioned to recommend approval of the Riverwalk Preliminary Plan contingent upon the following:

1. Satisfaction of the staff recommendations as outlined
2. Planning Commission recommendations
  - Minimum of 1100 square ft. per unit for duplexes
  - Park is to be a homeowners park not city owned or required to have restrooms
  - Privacy fence of rusty metal and cedar, located on the berm, 6 ft. height, HOA maintained
  - Only 100 units to be constructed initially

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Chairperson Roberts announced a recess.

**5 Year Capital Improvements Plan**

Mr. Black reviewed the capital summary.

**Minutes**

Commissioner Raley motioned to accept the minutes as submitted by the secretary.

Commissioner Pfalzgraff seconded the motion.

All were in favor and the motion carried.

**Commissioner Comments****Staff Comments**

Mr. Black wanted to review the importance of specified motions.

Mr. Shoopman wanted to discuss when planning commission could have their work session.

It was decided that the work session would take place on September 6<sup>th</sup>, 2007 at 6:00 p.m.

Meeting adjourned at 11:01 p.m.

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Lee A. Barber, Executive Secretary